

CGB-CC-0059



January 17, 2012

FCC Reference Information Center

445 12th Street, S.W.

Washington, DC 20554

To Whom It May Concern:

Whitesburg Baptist Church in Huntsville, AL desires to air a non-profit TV program on WZDX-TV and WAMY TV8 in Huntsville, AL. Closed captioning is an issue that has come up in discussions to be able to air our program. We produce our programs locally to be used for one airing. We are a non-profit organization providing a service to our local area which includes individuals who may be home-bound and cannot attend our services. Adding closed captioning would impose an undue economic burden and severely threaten our future ability to serve our area in this manner. Our interpretation of the "FCC Exemptions From Closed Captioning Rules" is that we are exempted from closed-caption based on recently amended paragraphs 79.1 (f)(1)(2)(3).

Thank you for providing these exemptions and allowing us to proceed.

Stephen Rice

Whitesburg Baptist Church

6806 Whitesburg Drive South

Huntsville, AL 35802

Received & Inspected

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FCC Mail Room

1. Section 79.1(f) is amended to read as follows:

(f) *Procedures for exemptions based on economic burden.*

2. Section 79.1(f)(1) is amended to read as follows:

(1) A video programming provider, video programming producer or video programming owner may petition the Commission for a full or partial exemption from the closed captioning requirements. Exemptions may be granted, in whole or in part, for a channel of video programming, a category or type of video programming, an individual video service, a specific video program or a video programming provider upon a finding that the closed captioning requirements will be economically burdensome.

3. Section 79.1(f)(2) is amended to read as follows:

(2) A petition for an exemption must be supported by sufficient evidence to demonstrate that compliance with the requirements to closed caption video programming would be economically burdensome. The term "economically burdensome" means significant difficulty or expense. Factors to be considered when determining whether the requirements for closed captioning are economically burdensome include:

- (i) The nature and cost of the closed captions for the programming;
- (ii) The impact on the operation of the provider or program owner;
- (iii) The financial resources of the provider or program owner; and
- (iv) The type of operations of the provider or program owner.

4. Section 79.1(f)(3) is amended to read as follows:

(3) In addition to these factors, the petition shall describe any other factors the petitioner deems relevant to the Commission's final determination and any available alternatives that might constitute a reasonable substitute for the closed captioning requirements including, but not limited to, text or graphic display of the content of the audio portion of the programming. The extent to which the provision of closed captions is economically burdensome shall be evaluated with regard to the individual outlet.

5. Section 79.1(f)(4) is amended to read as follows:

(4) An original and two (2) copies of a petition requesting an exemption based on the economically burdensome standard, and all subsequent pleadings, shall be filed in accordance with 0.401(a) of this chapter.

6. Section 79.1(f)(10) is amended to read as follows:

(10) The Commission may deny or approve, in whole or in part, a petition for an economically burdensome exemption from the closed captioning requirements.

7. Section 79.1(f)(11) is amended to read as follows: